

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
MARTINSBURG**

**JOAN CICCHIELLO,**

Plaintiff,

**v.**

**CIVIL ACTION NO.: 3:23-CV-88  
(GROH)**

**MS. SLINKA,**

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

Now before the Court is a Report and Recommendation (“R&R”) issued by United States Magistrate Judge Robert W. Trumble. ECF No. 50. Pursuant to the Local Rules, this civil action was referred to Judge Trumble for submission of a proposed R&R. Magistrate Judge Trumble issued an R&R on May 22, 2024, recommending that (1) the Plaintiff’s amended complaint [ECF No. 22] be dismissed with prejudice and (2) the Defendant’s Motion to Dismiss [ECF No. 45] be granted. Id. at 31.

Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to make a *de novo* review of those portions of the magistrate judge’s findings to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. Thomas v. Arn, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and of the Plaintiff’s right to appeal this Court’s Order. 28 U.S.C. § 636(b)(1); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989); United States v. Schronce, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to Magistrate Judge Trumble's R&R were due within fourteen plus three days of the Plaintiff being served with a copy of the same. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Service of the R&R was accepted on May 29, 2024.<sup>1</sup> ECF No. 51. As of the date of this Order, no objections have been filed. Therefore, after allowing additional time for transit in the mail, the Court finds that the deadline for the Plaintiff to submit objections to the R&R has passed. Accordingly, this Court will review the R&R for clear error.

Upon careful review of the R&R, it is the opinion of this Court that Magistrate Judge Trumble's Report and Recommendation [ECF No. 50] should be, and is hereby, **ORDERED ADOPTED**. For the reasons more fully stated in the R&R, the Plaintiff's amended complaint [ECF No. 22] is **DISMISSED WITH PREJUDICE**, and the Defendant's Motion to Dismiss [ECF No. 45] is **GRANTED**.

The Clerk of Court is **DIRECTED** to **STRIKE** this case from the Court's active docket. The Clerk is **FURTHER DIRECTED** to mail a copy of this Order to the *pro se* Plaintiff by certified mail, return receipt requested, at her address as reflected on the docket sheet.

**DATED:** July 15, 2024

  
GINA M. GROH  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> As Magistrate Judge Trumble highlights, there appears to be an ambiguity as to the Plaintiff's address, which renders it unclear whether the R&R has been served on the Plaintiff. ECF No. 50 at 1 n.1. However, the Court is satisfied that the Plaintiff both receives and sends her mail at the Pennsylvania address. Indeed, the Pennsylvania address is the one provided to the Court by the Plaintiff herself. ECF No. 38. Further, all the Defendant's filings since then, including the Defendant's Motion to Dismiss, were served at the Pennsylvania address. See, e.g., ECF No. 45 at 2. Moreover, the Plaintiff is necessarily able to receive mail at the Pennsylvania address as evidenced by (1) her filing a response to the Defendant's Motion to Dismiss and (2) that response being mailed to the Court from the Pennsylvania address. ECF No. 48-3. Therefore, the Court finds the R&R was properly served on the Plaintiff at the Pennsylvania address.